

Copies, Mailed, Faxed 9-2-20
 Chambers of Vincent L. Briccetti OA

United States District Court
 for the
 Southern District of New York

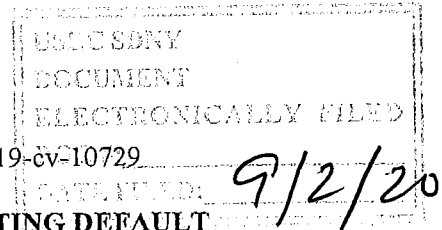
U.S. BANK NATIONAL ASSOCIATION,
 NOT IN ITS INDIVIDUAL CAPACITY
 BUT SOLELY AS TRUSTEE FOR THE
 RMAC TRUST, SERIES 2016-CTT

Plaintiff
 v.

Civil Action No. 19-cv-10729

**ORDER VACATING DEFAULT
 JUDGMENT OF FORECLOSURE
 AND SALE, VOLUNTARILY
 DISMISSING COMPLAINT AND
 CANCELLING THE NOTICE OF
 PENDENCY OF ACTION**

SARAH MORGANO, PETER MORGANO,
 Defendant(s)



Before the Court is a motion to voluntarily dismiss the Complaint pursuant to Fed. R. Civ. P. §41(a)(2), vacate the Default Judgment of Foreclosure and Sale pursuant to Fed R. Civ. P. §60(b), and cancel the Notice of Pendency of Action pursuant to N.Y. C.P.L.R. § 6514(a). The action was commenced by filing of the Summons and Complaint on November 20, 2019, copies of which were served on the Defendants. The Defendants failed to answer, appear or motion with respect to the Complaint and defaulted. On April 27, 2020, the Court granted the Plaintiff default judgment pursuant to Fed. R. Civ. P. §55(b)(2) and a Judgment of Foreclosure and Sale pursuant to N.Y. R.P.A.P.L. §1351 and §1354. Thereafter, the Plaintiff accepted the Defendants' short sale proceeds in satisfaction of the mortgage debt, which settled the case and nullified the Judgment of Foreclosure and Sale. On these grounds, it is hereby:

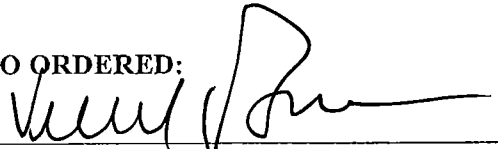
ORDERED, ADJUDGED AND DECREED, the Plaintiff's motion is granted; and it is further

ORDERED, ADJUDGED AND DECREED, the Default Judgment of Foreclosure and Sale entered on April 27, 2020 is vacated pursuant to Fed. R. Civ. P. § 60(b); and it is further

ORDERED, ADJUDGED, AND DECREED, the Referee who was appointed to sell the property at public auction pursuant to the Judgment of Foreclosure and Sale, Alan L. Joesph, Esq. is discharged and relieved of any and all obligations and requirements thereunder; and it is further

ORDERED, ADJUDGED, AND DECREED, that pursuant to N.Y. C.P.L.R. § 6514(a), the County Clerk of Orange County is directed, upon payment of proper fees, if any, to cancel and discharge a certain Notice of Pendency filed on November 25, 2019 and in the Office of the Clerk of the United State District Court for the Southern District of New York, and any other filing against the property known as 139 Grand Street, Goshen, New York 10924, and said Clerk is hereby directed to enter upon the margin of the record of the same a Notice of Cancellation referring to this Order.

SO ORDERED:


District Judge Vincent L. Briccetti
United States District Court for the
Southern District of New York

9/2/2020

[The Clerk is instructed to terminate the motion. (Doc. # 36).